address the child and adult migration from Central America to the Southwest border.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PROTECTING EVERYONE'S RIGHTS

Mr. MCCONNELL. Mr. President, Members of Congress do not always see eye-to-eye on everything. It is fairly obvious. There are often strong and principled disagreements about taxes, the size and scope of government, ObamaCare, foreign policy—you name it. But let's be clear: When it comes to decisions about contraception, both parties believe a woman should be able to make her own decisions.

Now, some on the other side would like to pretend otherwise. They think they can score political points and create divisions where there are not any by distorting the facts. And that is why their increasingly outlandish claims—claims one nonpartisan fact-checker described as ''simply wrong''—just keep getting debunked. Even worse, our friends on the other side are now on record as saying we should protect the freedoms of some while stripping away the freedoms of others.

Republicans continue to insist that we can and should be in the business of protecting everyone's rights. We think that, instead of restricting Americans' religious freedoms, Congress should instead work to preserve a woman's ability to make contraception decisions for herself. And the legislation Senator AYOTTE, FISCHER, and I filed yesterday would do just that.

The Preserving Religious Freedom and a Woman's Access to Contraception Act would clarify that an employer cannot block an employee from legal access to her FDA-approved contraceptives. It is a commonsense proposal. It reaffirms that we can both preserve America's long tradition of tolerance and respect for people of faith while at the same time preserving a woman's ability to make her own decisions about contraception.

Our bill would also ask the FDA to study whether contraceptives could be made available to adults safely without a prescription. And it would allow women to set aside more money in their flexible spending accounts so they can cover out-of-pocket medical expenses, many of which are skyrocketing under ObamaCare.

So if Democrats are serious about doing right by women—if they are not just interested in stoking divisions in an election year—then they should get on board with our legislation. That is a start. And then they can work with us to undo the damage their policies—like ObamaCare—have already caused to millions—millions—of middle-class women.

Research shows that American women make about 80 percent of the health care decisions for their families. Yet, thanks to ObamaCare, millions of women lost the health insurance plans they had and they liked—causing enormous disruptions in their lives and in the lives of their families.

When women first spoke out about the betrayal they felt when they lost their plans, Washington Democrats said their plans were ''junk'' or worse, that they were lying, because Democratic politicians thought they knew better than all of these people we were hearing from. It was insulting to many, including one constituent who wrote to me from Woodford County. She described herself as a ''lifelong self-employed professional'' who ''shopped hard'' for a policy that she liked and wanted to keep. Here is what she said after Washington Democratic policies overruled her own personal choice of a plan:

> The President has referred to my type of policy as ''substandard.'' In fact, it is a good product for people in my situation. It appears that the President does not understand personal finance, and does not trust Americans to choose products that are good for them. He also does not appreciate people like me who are willing to accept personal responsibility for a large part of my own routine medical expenses.

She is not the only one who feels this way, and she is not the only one who has been hurt by ObamaCare.

As a result of ObamaCare, too many women now have fewer choices of doctors and hospitals.

As a result of ObamaCare, millions of Americans—nearly two-thirds of them women—are now at risk of having their hours and their wages reduced.

As a result of ObamaCare, married women can face penalty taxes just for working.

As a result of ObamaCare and other changes by the Obama administration, a woman on Medicare Advantage could see her average benefits reduced by more than $1,500 a year.

And thanks to ObamaCare, millions of women have had their flexible spending accounts limited and can no longer use tax-preferred medical savings to purchase all the medications they use—a wrongheaded policy that the bill we introduced yesterday seeks to address.

But that is just a start. Washington Democrats need to work with us to pass real health reform—actual, patient-centered reform that will not hurt women the way ObamaCare does. Because we have seen the letters from our constituents—letters such as the one I received from a woman in Mount Sterling who says ObamaCare did more than just cause her premiums to nearly double—it might make her medications unaffordable as well: ''I am on three medications, [and] two years ago the copay was $60 for each one,'' she said. ''Now, my medications are costing me a little over $700 a month.''

That is not fair. It is not right. And this is just the kind of challenge both parties should be working together to address.

So let's do away with the false choices. Let's focus on actually helping women instead. Let's work together to boost jobs, wages, and opportunity at a time when women are experiencing so much hardship as a result of this administration's policies.

Republicans have been asking Washington Democrats to do all of this for years now. It is about time they started showing they really care.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF RONNIE L. WHITE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:15 a.m. will be controlled as follows: 10 minutes for the Senator from Iowa, Mr. GRASSLEY; 10 minutes for the Senator from Texas, Mr. CORNYN; 10 minutes for the Senator from New Hampshire, Mrs. SHAHEEN; and any remaining time under the control of the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Vermont.

Mr. LEAHY. Madam President, the Senate will vote today to try to end the unjustified filibuster against Judge Ronnie White, who has been nominated to serve on the U.S. District Court for the Eastern District of Missouri. Many Senators will remember Judge White from 15 years ago, when the Senate denied his confirmation by a partyline vote after an ugly campaign by Republican Senators to caricature him as a jurist who was soft on crime. Today, the Senate has an opportunity to reject that unjust characterization and confirm a well-qualified and principled man who has demonstrated his ability to be a fair judge and who is faithful to the law.

Throughout his exceptional career, Judge White has been a trail blazer in the legal community. In 1995, he became the first African American to serve on the Missouri Supreme Court and later became the first African American to serve as its Chief Justice. He previously served for 2 years as a judge on the Missouri Court of Appeals. Outside of his distinguished judicial service, Judge White has broad experience in the law, working in private practice as a partner in Missouri-based law firms both before and after his time on the bench, serving as City Counselor and Public Defender for St.

Louis, MO and serving as a State representative in the Missouri General Assembly. He has been honored for his achievements and commitment to public service by organizations such as the Federal Defense Bar of the Eastern District of Missouri and the St. Louis branch of the NAACP.

I supported Judge White when he was first nominated to the U.S. District Court and I support him now. In 1999, by the time the Senate voted on his nomination, Judge White had upheld the implementation of the death penalty 41 times as a state Supreme Court justice. Yet, then-Senator Ashcroft of Missouri claimed Judge White was ''soft on crime'' and was ''the most anti-death penalty judge on the Missouri Supreme Court.'' These claims should have been easily dismissed years ago, and should be easily dismissed today.

Judge White's nomination is supported by law enforcement, legal professionals, and the civil rights community. The elected President of the Missouri Fraternal Order of Police, Kevin Ahlbrand, wrote on behalf of his organization's 5,400 members: ''As front line law enforcement officers, we recognize the important need to have jurists such as Ronnie White, who have shown themselves to be tough on crime, yet fair and impartial. . . . We can think of no finer or more worthy nominee.'' I ask consent that this letter, and others, be made a part of the CONGRESSIONAL RECORD.

Unfortunately, rather than admit that they made a mistake in voting against Judge White's nomination before, some Senators are now saying they may oppose his nomination because in 2003 he joined the Missouri Supreme Court's majority opinion in Simmons v. Roper holding that the Eight Amendment prohibits the execution of individuals who commit a capital crime when they are under 18 years of age. In 2005, in Roper v. Simmons, the U.S. Supreme Court agreed. The criticism, I gather, is that Judge White's decision to join the majority opinion was contrary to then-existing U.S. Supreme Court precedent. While I have heard some Members of the Senate criticize a nominee for having asserted a position that is ultimately rejected by the U.S. Supreme Court, this may be the first time I have heard a nominee criticized for actually getting it right.

At his confirmation hearing earlier this year, Senator MCCASKILL introduced Judge White as someone who ''continues to be a shining star to thousands of Missourians because of his career, which has really been emblematic of hard work, courage, dedication and service to public before self. . . . I can think of no one in the State of Missouri who is more deserving of this appointment to the Federal bench than my friend, Ronnie White.'' I thank Senator MCCASKILL for her leadership in recommending that President Obama nominate Judge White for this position.

Today Senators have an opportunity to right a wrong. This chance is long overdue. I am confident Judge White will serve on the Federal bench with distinction, and with fidelity to our Constitution. I thank the Majority Leader for bringing this nomination up for a vote, and I urge my fellow Senators to vote to defeat this filibuster and to confirm this well qualified nominee without further delay.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
MISSOURI STATE LODGE,
Jefferson City, MO, May 13, 2014.

Senator PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY, As the elected representative of over 5,400 law enforcement officers across the State of Missouri, I am urging your committee to vote out the nomination of Ronnie White for the open judicial seat in the U.S. District Court for the Eastern District of Missouri.

We would then be hopeful that the Senate confirms his nomination.

We do not take such stances lightly. As front line law enforcement officers, we recognize the important need to have jurists such as Ronnie White, who have shown themselves to be tough on crime, yet fair and impartial.

As a former justice on the Missouri Court of Appeals and as the Chief Justice of the Missouri Supreme Court, Ronnie White has proven that he has the experience and requisite attributes to be a quality addition to the U.S. District Court.

We can think of no finer or more worthy nominee.

Sincerely,

KEVIN AHLBRAND,
President, Missouri Fraternal Order of Police.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
Washington, DC, July 16, 2014.

DEAR SENATOR: On behalf of The Leadership Conference on Civil and Human Rights, we write to express our strong support for the nomination of Ronnie L. White to be a U.S. District Court Judge for the Eastern District of Missouri. As one of Missouri's leading legal minds, Mr. White has devoted his life to serving the citizens of Missouri. Throughout his career, he has demonstrated a steadfast commitment to enforcing the rule of law with objectivity, thoughtfulness and impartiality, and he would be an outstanding addition to the federal bench. We urge you to vote yes on cloture and yes on his nomination.

Mr. White is eminently qualified, as evidenced by the ''Unanimously Qualified'' rating he received from the American Bar Association and by his long career in service to the public. After graduating from the University of Missouri-Kansas City Law School in 1983, Mr. White worked as a public defender in St. Louis and served three terms in the Missouri House of Representatives. In 1993, he was appointed as City Counselor for the City of St. Louis; the following year, Governor Mel Carnahan appointed him as a judge for the Eastern District of the Missouri Court of Appeals. In 1995, Mr. White became the first African American to sit on the Supreme Court of Missouri, and he served as chief justice from July 2003 to June 2005. He retired from the bench in 2007.

As a judge, Mr. White served with distinction on the Missouri Court of Appeals and the state Supreme Court, gaining a reputation as a fair, intelligent jurist who commanded the respect of his fellow judges. When President Clinton nominated him in 1997 to a seat on the U.S. District Court for Missouri, Mr. White received support from his colleagues on the Supreme Court and many in law enforcement. However, his nomination was defeated in October 1999 in a disappointing party-line vote engineered by then-Senator John Ashcroft.

Mr. Ashcroft led a vigorous smear campaign against Mr. White based on spurious claims about his record as a judge on death penalty cases. For instance, the senator claimed that White voted against the death penalty more than any other judge on the Missouri Supreme Court. But the facts proved otherwise. Of Mr. Ashcroft's seven appointees to the court, four voted to reverse death penalty decisions more often than Mr. White. In fact, Mr. White upheld the majority of death penalty convictions that came before him as a judge, and in the rare case in which he did vote to reverse, the majority were unanimous decisions.

Further, Mr. Ashcroft used false data and misleading interpretations to solicit opposition from law enforcement and to bolster his assertion that Mr. White was ''soft on crime.'' Even so, two major law enforcement groups—the Missouri State Fraternal Order of Police and the Missouri Police Chiefs Association—endorsed White wholeheartedly and refuted the ''soft on crime'' allegation. Carl Wolf, then president of the Missouri Police Chiefs Association, revealed that Mr. Ashcroft had actively solicited opposition from law enforcement groups and that any such opposition was not spontaneous. It is worth pointing out that Mr. White's current nomination has again garnered the endorsement of the Missouri State Fraternal Order of Police.

In the aftermath of the 1999 vote against Mr. White's confirmation, many saw the vilification of him as unfair and the charges against him unfounded. In ''The Smearing of a Moderate Judge,'' Stuart Taylor of The Legal Times wrote: ''In short, the record shows that Judge White takes seriously his duty both to enforce the death penalty and to ensure that defendants get fair trials. It suggests neither that he's 'pro-criminal' nor that he's a liberal activist. What it does suggest is courage. And while White may be more sensitive to civil liberties than his Ashcroft-appointed colleagues are, his opinions also exude a spirit of moderation, care, and candor.'' Ultimately, many in the media viewed the fight as one of political expediency rather than of judging a candidate on the merits. As the Washington Post wrote, ''This vote was politics of the rawest sort. It was the politics of an upcoming Missouri Senate race, in which Sen. Ashcroft apparently intends to use the death penalty as a campaign issue.''

It is apparent that the opposition to Mr. White's previous nomination was baseless and that he fell victim to political posturing. The Leadership Conference believes Mr. White's record makes him an exceptionally qualified nominee with the ability to make objective decisions on the multifaceted and prominent cases that will surely come before the court. His impeccable credentials and the support he has garnered from people across the political spectrum make him an excellent choice for a federal judgeship on the U.S. District Court in the Eastern District of Missouri. This malicious and unwarranted attack on a unanimously qualified nominee must not happen again.

For these reasons, we urge you to vote in favor of cloture and in favor of his nomination. Thank you for your consideration. If you have any questions, please feel free to

contact Nancy Zirkin, Executive Vice President, at *Zirkin@civilrights.org* or Sakira Cook, Counsel, at *cook@civilrights.org*.

Sincerely,

WADE HENDERSON,
President and CEO,
NANCY ZIRKIN,
Executive Vice President.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROTECT WOMEN'S HEALTH FROM CORPORATE INTERFERENCE ACT

Mrs. SHAHEEN. Mr. President, I am here today to express my concerns with the Supreme Court's recent decision in the Hobby Lobby case and the steps we are taking—hopefully, this week—to protect a woman's right to make her own health care decisions. I want to thank Senators MURRAY and UDALL for their leadership on this issue and for introducing the Not My Boss's Business Act.

I appreciate hearing from the Republican leader about their interest in supporting women's access to contraceptive care, and I hope that is something we can all agree on. But the issue here is not just access to that care, it is the cost of that care. When you charge women more for contraceptive coverage, then you are denying them access to that care.

The legislation that has been introduced by Senators MURRAY and UDALL, and of which I am a cosponsor, will prevent employers from being involved in an employee's health care decisions and it will reverse the Supreme Court's decision.

Throughout my career in office, I have fought to ensure that women have access to important contraceptive services and that women are able to make their own decisions about their health care with their doctors and with their families.

In 1999, when I was Governor of New Hampshire, I signed into law a bipartisan bill that required insurance companies to cover prescription contraceptives—the issue we are debating right now. I signed that law with strong bipartisan support because both Republicans and Democrats knew it was the right thing to do. In fact, that legislation passed in the New Hampshire House with 121 Democratic votes and 120 Republican votes and 2 Independents.

That law, passed in 1999, has now provided thousands of New Hampshire women with the ability to access the medications they and their doctors decide are right for them because they have that insurance coverage to pay for those medications. The Affordable Care Act also established that women would have access to prescription contraceptive services with no copays, just as New Hampshire did in 1999.

Do you know what is interesting? We are having this debate about religious objections. Back in 1999 the legislature appointed a committee to look at whether there were any religious concerns about what we had done. They came back and reported that this was not an issue.

A recent analysis by the Department of Health and Human Services reports that because of the Affordable Care Act, more than 30 million women are now eligible to receive preventive health services, including contraception, with no copays. In fact, since 2013 women have saved nearly $500 million in out-of-pocket costs because of the ACA's requirement to cover contraceptive care.

The Supreme Court's decision has a real financial bearing on women and their families throughout the country because this ruling will have a profound impact on the health and economic security of women throughout this Nation. As noted by Justice Ginsburg in her dissent in the Hobby Lobby case, when high cost is a factor, women are more likely to decide not to pursue certain forms of health care treatments that involve contraceptive care.

There are many reasons why a doctor may decide to prescribe contraceptives for a woman's health care needs. Contraceptives can be used to treat a broad range of medical issues—hair loss, endometriosis, acne, irregular menstrual cycles. Contraceptives have also been shown to reduce the risk of certain cancers. But just a few weeks ago the Supreme Court jeopardized that access to affordable preventive health care for too many women. As a result of the Hobby Lobby case, some employers now have the ability to claim religious objections as a justification for not providing contraceptive health care with no copay.

I understand the host of issues employers face on a daily basis. I appreciate the complexity they face when they decide to offer health insurance coverage to their employees. For example, take Jane Valliere, who owns Hermanos Mexican restaurant in Concord, NH. I recently had the opportunity to sit down with Jane and to discuss the Hobby Lobby case. Jane made it clear that while she has many choices and decisions to make on a daily basis to keep her business running, she never expected to be put in a position where she could be responsible for making a health care decision for her employees at the restaurant.

Like Jane, I do not think it makes sense for employers to make those personal, private health care decisions for their employees. Critical health decisions are simply not an employer's business. Where a woman works should not determine whether she gets insurance coverage that has been guaranteed to her under Federal law.

While we do not yet know the full extent of the impact from this ruling, we do know the Supreme Court's decision turns back progress women across the country have fought for years to achieve.

We must ensure that women have access to the health care services and medications they need. That means making them affordable, that they are able to make their own decisions about their care with their doctors and their families.

Thankfully, we have an opportunity this week to correct the Supreme Court's shortsighted decision. This week the Senate can stand for women and pass the Not My Boss's Business Act. A woman's health care decision should be made with her doctor, with her family, with her faith, not by her employer and with her employer's faith. I urge my colleagues to support this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, later we will be voting on a judge for the Eastern District of Missouri. I come to the Senate floor today to explain why, regrettably, I am unable to support the nominee.

As my colleagues know, Justice Ronnie White was originally nominated by President Clinton during the 105th Congress. This body voted on and rejected his nomination in 1999. After careful consideration of his record, I voted against Justice White's nomination at that time. Since 1999, Justice White completed a term as chief justice of the Missouri Supreme Court and has returned to private practice. So today I would like to revisit a few aspects of Justice White's legal and judicial career that first led me to vote against his nomination. I will also discuss developments since 1999. Unfortunately, his record since that time has only reinforced my concerns.

First, I begin with some troubling aspects of Justice White's record during his days on the Missouri Supreme Court in the 1990s. I only need to point to a few cases to illustrate my concerns.

In the 1998 Johnson case, Justice White was the sole dissenter on the State's high court. It was a capital appeal case involving a claim of ineffective assistance of counsel. The case was heartbreaking. The defendant shot four people to death—three Missouri sheriffs and one of the sheriffs' wives. The facts were stark and very clear-cut. This was not a close case.

The defendant was convicted based upon the overwhelming evidence of his guilt. Justice White conceded there was more than sufficient evidence to sustain the conviction on appeal, but he went out of his way to create a standard that was not based on Missouri law when he evaluated the conduct of the defense attorney. Unsurprisingly, not a single member of the State court agreed with Justice White's dissenting opinion. That is because it was obvious there was no reasonable probability that anything the defense attorney did would have

changed the outcome of the trial. That is the applicable legal standard. It is straightforward—very straightforward. In that case, every member of the State supreme court applied it correctly, except Justice White.

Unfortunately, Justice White's dissent in that case was not an isolated example. On a number of other occasions throughout his judicial career, Justice White misapplied standards of review or considered issues that were not germane to the law when he was deciding cases. Justice White has even admitted as much. Discussing his judicial philosophy, he said in 2005 that he thinks it is appropriate for judges to let their opinions be ''shaped by their own life experiences.'' I think the personal characteristics of any judge—what this nominee calls his ''own life experiences''—should play absolutely no role whatsoever in the process of judicial decisionmaking. I know my colleagues on our Judiciary Committee share that view as well.

Let me get back to the nominee's judicial track record. Justice White was the sole dissenter in another case that the Missouri Supreme Court decided in 1997. That case raised the question of whether the defendant was entitled to an additional evidentiary hearing. In his dissent, joined by none of his colleagues, Justice White again ignored a straightforward standard of review and wrote that the defendant should have the hearing because Justice White thought it would cause ''little harm.'' Here again we see Justice White's personal preferences creeping into what should be objective, law-based decisionmaking—something pretty elementary to being a judge at any level, Federal or State, in our system of jurisprudence.

Those are just two examples of what led me, after consideration of the nominee's record as a whole, to vote against his nomination in 1999.

Unfortunately, my concerns about Justice White's first nomination have only been reaffirmed by his subsequent record. For instance, I am troubled by Justice White's concurrence in the Eighth Amendment case of Roper v. Simmons. That case was first heard by the Missouri Supreme Court, was appealed to the Supreme Court, and was eventually affirmed. But the affirmance is not what my colleagues should focus on. What should concern my colleagues is the opinion that Justice White concurred in, which ignored binding Supreme Court precedent. That precedent was the Stanford v. Kentucky case. I will explain.

In 2003, when Justice White's court decided Roper, binding Supreme Court precedent at that time permitted applying the death penalty to individuals if they committed their crimes when they were under 18. Nonetheless, Justice White concurred in the State court opinion that simply ignored that precedent. Justice White concurred even though the Supreme Court had reaffirmed the Stanford principle twice in 2002, the year before Justice White's state court decision.

Moreover, in 2003 the Supreme Court rejected an appeal raising legal arguments that were identical to the ones Justice White endorsed. That is the very same year Justice White's court ruled in Roper and ignored Stanford outright.

My colleagues on our Judiciary Committee often ask nominees about their commitment to Supreme Court precedent and their faithfulness to the doctrine of stare decisis. Nominees who appear before us routinely repeat the mantra that they will unfailingly apply precedent and nothing else—in other words, leave out personal views. Justice White did as much at his hearing as well. But—and this is what I find so troubling—when I asked him about the Stanford case, he admitted that Stanford was, in fact, binding on his state court at the time he concurred in Roper. What he did not explain—what he could not explain—was why he ignored that binding precedent as a State supreme court justice. He could not explain why he thought it was appropriate for him to concur in a State court opinion that, in effect, overruled U.S. Supreme Court precedent.

I do not doubt that Justice White has always done what he thought was right and that he ruled the way he thought best to achieve justice for the litigants before him. But in my view that is not an appropriate role for a Federal district judge. Judicial decisionmaking requires a disinterested and objective approach that never takes into account the judge's life experiences or policy preferences. From the careful look I have taken at Justice White's 13-year track record as a judge, I have too many questions about his ability to keep his personal considerations separate from his judicial opinions.

Finally, it is worth noting that there continues to be opposition to this nominee from law enforcement.

Specifically, both the National Sheriffs' Association and the Missouri Sheriffs' Association oppose this nominee.

I always try to give judicial nominees the benefit of doubt when I have questions about their records, but in this nominee's case, I simply can't ignore so many indications that the nominee isn't the right person to occupy a lifetime appointment to the Federal bench.

I sincerely hope I am wrong about Justice White, and I reluctantly vote no on the nominee.

I ask unanimous consent to have printed in the RECORD a letter from Missouri Sheriffs' Association Training Academy and National Sheriffs' Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Missouri Sheriffs' Association and Training Academy, May 10, 2014]

MISSOURI SHERIFFS' ASSOCIATION OPPOSES CONFIRMATION OF RONNIE L. WHITE TO THE FEDERAL BENCH

On behalf of the 115 Sheriffs in the State of Missouri, the Missouri Sheriffs' Association vehemently opposes the confirmation of Ronnie L. White to the federal bench.

Victims of crime, families of victims and law enforcement deserve a better federal judge than Ronnie L. White. As we explained to Senators Blunt and McCaskill last year, Ronnie L. White proved himself an activist judge who sought protection for criminals from punishment given to them by a jury even in cases where criminals performed unforgiveable acts of violence against our fellow citizens and law enforcement.

Ronnie L. White's actions and beliefs doomed his confirmation in 1999. In 1999, fifty four Senators knew Ronnie L. White was not the right person for the job based on the merits of his decisions on the bench. Nothing has changed since 1999 warranting Ronnie L. White's confirmation this year.

Senators who want to protect our citizenry from activist judges like Ronnie L. White should vote against confirmation just as was done in 1999.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, April 2, 2014.

Hon. CLAIRE MCCASKILL,
U.S. Senate,
Washington, DC.

Hon. ROY BLUNT,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCASKILL AND SENATOR BLUNT: I write on behalf of the National Sheriffs' Association (NSA) and the more than 3,000 elected Sheriffs nationwide to express our support for the efforts of the Missouri Sheriffs' Association to prevent the nomination of Ronnie L. White to a federal judgeship in St. Louis. The Missouri Sheriffs' Association was outspoken in its opposition to Judge White's previous nomination by President Bill Clinton and continues to be outspoken against any further consideration to the federal courts. I respectfully request that, as you examine candidates for the federal judgeship in St. Louis, you carefully consider the concerns presented by the Missouri Sheriffs' Association regarding any judicial nomination of Ronnie L. White.

Respectfully yours,

MICHAEL LEIDHOLT,
Sheriff NSA President.

Mr. GRASSLEY. I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

BORDER CRISIS

Mr. CORNYN. Mr. President, over the past several weeks, I have spoken about the ongoing crisis on our southern border—the President has acknowledged as a humanitarian crisis—with tens of thousands of unaccompanied minors making a perilous journey from Central America and ending on our doorstep, most often in my State, the State of Texas.

In this year, the numbers are skyrocketing again. Starting in 2011 we saw the numbers, roughly, about 6,000 unaccompanied minors. They doubled from 2011 to 2012, they doubled again from 2012 to 2013, and they look as though they are going to double again from 2013 to 2014. We can only wonder at what might happen thereafter unless we come up with a solution to the problem.

A majority of these children, as I indicated, come from Central America—El Salvador, Guatemala, and Honduras. Under current law when these children are detained by the Border Patrol, they are processed by the Border Patrol and

then given a notice to appear at a future court hearing and turned over to the Department of Health and Human Services for safekeeping.

Health and Human Services tries to identify a guardian to pick up the child and, not surprisingly, most of them are never heard from again. Certainly they don't show up for this court hearing in response to the notice to appear. Thus, the transnational criminal organizations, the cartels—the people who make money from transporting these children and other migrants across Mexico and the United States—have discovered an effective business model. In other words, they are able to deliver these children to their families—at least the ones who survive—from Central America through Mexico and into Texas.

The majority of them will make it, because they will be placed with a family member or some other relative, and never appear at the court hearing for which they have been notified to appear.

For children detained from bordering nations such as Mexico or Canada, the process is different than it is from noncontiguous countries such as Central America. Border Patrol, under the current law, can determine whether the children are eligible to stay in the United States or give these children the choice to be safely transferred to officials from their home countries.

Our country simply does not have the current capacity to deal with 50,000, much less 90,000 or 100,000, unaccompanied minors appearing on our Nation's doorstep.

As a result, these children are being kept at Border Patrol facilities, such as I witnessed in McAllen, TX, that have capacity for a few hundred people, but they are currently holding well over double, many times triple and beyond, their current capacity.

I and other Members of Congress, unlike the President, have seen these facilities firsthand and talked to some of the children. The conditions they are kept in are unacceptable by any standard: babies in diapers sleeping on cement floors and dozens of children crammed into one cell with a single toilet.

In addition to these overcrowded detention facilities, there is an overburdened judicial system. Minors in custody of the Department of Health and Human Services are released to family members or guardians or sponsors in the United States, but they are given a notice to appear before an immigration judge if they wish to make a claim for relief under our immigration laws.

Those who show up will not see a judge, on average, for more than 1 year—leaving, as I said, plenty of incentive to simply disappear and never return for a court date. As the law is currently written, in 2008, there are few other options available.

For that reason I have, along with my friend and colleague from Texas, HENRY CUELLAR from the House of Representatives, introduced a clear, commonsense change to the 2008 law to address the immediate crisis.

This is, I hasten to add, not a complete fix to our broken immigration system, but it does target this particular crisis and offers a commonsense solution.

We call this the Helping Unaccompanied Minors and Alleviating National Emergency Act, or the HUMANE Act. It would amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. That law had good intentions, because it was focused on the victims of human trafficking, and we preserve those protections for the victims of human trafficking, but it needs to be improved so that thousands of children who now make this perilous journey in the hands of these criminal organizations up these smuggling corridors from Central America to the United States—we must make sure they are deterred from making this life-threatening journey.

Our changes to the law maintain all of the safeguards built into the 2008 law, and so there should be no objection on that basis. But what we would go further to do is the HUMANE Act would treat all unaccompanied minors the same and ensure an orderly legal process.

A majority of these children would be reunited with their parents in their home countries. Those who choose to appear in front of an immigration judge will have every opportunity to do so on an expedited basis. In those cases where they qualify for removal under our current laws, they would be placed in safekeeping with federally screened sponsors while additional hearings are scheduled.

This expedited process would alleviate overburdened Border Patrol and HHS facilities, as well as the local officials who have been disproportionately affected—although I would add that I read newspaper stories about officials in places such as Massachusetts, Arizona, California, and others expressing concern about these large numbers of unaccompanied children who are being warehoused in their States.

Most importantly, this legislation would send a message to people in Central America that the dangerous journey to the United States in the hands of ruthless smugglers and cartel operatives is simply not worth it.

Central American families would hear loudly and clearly that not only will the journey place their children at risk of sexual assault and even death, they will by and large not be permitted to stay in the United States once they arrive under current law.

Some will. If you are a victim of human trafficking, you may be eligible for a T-visa. If you have a colorable claim to asylum, you can make that claim to an immigration judge under our legislation. But if you don't have a claim to relief under our current immigration laws, you will be returned safely to your home country.

Tackling this crisis is a significant challenge that requires Presidential leadership. But, in the meantime, these children are sleeping in overcrowded cells, Texas communities are reeling from the impact, and we need action. With this legislation we try to target a commonsense solution that will take immediate steps to help stem the tide of the growing crisis.

I hope my colleagues will join us in cosponsoring this legislation. It sounds as if the House of Representatives is probably going to be moving next week. I know there is a lot of controversy anytime we talk about circumstances such as this. Some people think it should be tougher, others think it is too tough to enforce current law. But the fact is, the drug cartels, the transnational criminal organizations, have created a business model based on a loophole they found in the 2008 law.

Our bipartisan, bicameral legislation seeks to fix that and to give these children the benefit of the law if they qualify under the law as currently written. But to continue to leave the law as it exists now with this loophole in it, and continue to see it exploited by the Zetas and other cartels that traffic in human beings, is simply an invitation to continue to see these numbers double year after year and our capacity to deal with these children on a humane basis further diminished.

We need to have immigration laws that protect these children and all of us, and it does not mean that anybody and everybody under every circumstance can qualify to come to the United States and stay. That is simply an invitation to chaos.

We can treat these children humanely, we can give them the benefit that the law allows as written, but if they don't qualify, we need to return them home.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mrs. MCCASKILL. I ask unanimous consent that the order for quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, it is not often the Senate has a chance to go back and fix a grievous error that occurred in our history, and that error occurred in 1999 when a good and qualified man was defeated in the Senate for a position on the eastern district court of the Federal bench in Missouri.

At that time there was an attack on Ronnie White for being soft on crime. The record, as it stands today, flies in the face of that assertion.

At the time of his defeat, he had voted to uphold the death penalty almost 70 percent of the time. In fact, in his career on the Missouri Supreme Court, being the first African American appointed to the Supreme Court, he voted with the majority on death penalty cases 90 percent of the time.

This is a mainstream jurist. This is not someone who is outside of the mainstream. That is why the Fraternal Order of Police has endorsed his nomination. That is why he is considered in the State of Missouri as an iconic leader in the legal community. He went back to Missouri, was the chief justice in the Supreme Court after he was defeated on the floor of the Senate, retired from the Supreme Court, and has gone on to be an established and respected lawyer in the St. Louis community—frankly, part of many big cases, especially the appellate work, because he served on both the Court of Appeals and the Supreme Court.

I think Ronnie White handled what happened to him with as much character as could possibly be required of any individual. I look forward to finally righting the wrong and allowing Ronnie White his well-deserved place on the Federal bench.

I ask all my colleagues to support the confirmation of Ronnie White.

I yield the floor.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Harry Reid, Patrick J. Leahy, Claire McCaskill, Tim Kaine, Angus S. King, Jr., Thomas R. Carper, Bill Nelson, Jon Tester, Patty Murray, Christopher Murphy, Benjamin L. Cardin, Mark Begich, Sheldon Whitehouse, Elizabeth Warren, Debbie Stabenow, Tom Harkin, Tom Udall.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 226 Ex.]

YEAS—54

Baldwin	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Pryor
Booker	Hirono	Reed
Boxer	Johnson (SD)	Reid
Brown	Kaine	Sanders
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Murkowski	Wyden

NAYS—43

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

NOT VOTING—3

Mikulski	Rockefeller	Schatz

The PRESIDING OFFICER. On this vote the yes are 54, the nays are 43. The motion is agreed to.

Under the previous order, the time until 12:20 p.m. will be divided between the two leaders or their designees.

Who yields time?

If no one yields time, the time will be charged equally.

The PRESIDING OFFICER. The Senator from Massachusetts.

WOMEN'S HEALTH

Mr. MARKEY. Madam President, I rise to speak on an issue of vital importance to all who value true liberty in the United States.

Last month the Supreme Court issued its decision in the Hobby Lobby case. In 2010, in the Citizens United case, the Court said corporations have a First Amendment right to participate in elections. In the Hobby Lobby ruling, the Court took it a step further and said that since a corporation can be a person, it can also have religious views and because a corporation is a person, it can impose its religious beliefs on an employee and deny a woman insurance that protects her health by providing contraception. So the folly of the Supreme Court has come full circle, where an actual person will be denied their rights because the views of a corporation have been given priority under the U.S. Constitution as interpreted by this Supreme Court.

Instead of ''we the people,'' it is now ''I the CEO of a corporation'' who has the right to exercise their constitutional privileges as interpreted by this Supreme Court that truncates the right of individual women in America to exercise theirs.

The Supreme Court majorities have continued to extend our basic constitutional rights—the inalienable rights held by individuals—to corporations. Corporations are not people.

Supporters of the Hobby Lobby ruling have accused Democrats of hyperbole. They say we are making the Hobby Lobby case seem more dire than it truly is. The corporate personhood supporters say the ruling doesn't mean women can't use the contraception of their choice, just that the insurance provided by their employer doesn't have to cover it or they say the ruling doesn't mean a boss is imposing his or her religious views on their employees. That is just wrong. It says that the boss doesn't have to subsidize health care that violates the boss's religious views.

What happens when the religious views of a CEO are imposed on the real life of a working woman?

The PRESIDING OFFICER. The Senate will come to order.

Mr. MARKEY. In real life working women earn their insurance coverage. It is part of their pay, and they depend on insurance to pay for their health care—including contraception—for themselves and their families. If that employer's choice of insurance doesn't pay for a particular type of contraception, a woman will be forced to give up her right to use it.

If one form of contraception is—just as Ginsburg explained in her dissent—$1,000, and insurance won't cover even a penny, a working woman is going to be forced to make medical decisions based on the religion her employer practices, not on what she and her doctor determine is best for her from a medical perspective. The religion of the employer trumps the recommendation of a physician to a woman, and this is just a step that changes the whole relationship between an individual and their country.

If a corporation's insurance doesn't cover any contraception because all contraceptives violate the employer's religious beliefs, then their employee's religious views are especially burdened, and she will have to pay for contraception out of her own pocket. Keep in mind that the average woman makes 77 cents on the dollar to a man, but if you are an African-American woman, then it is 66 cents on the dollar, and Latina women earn 59 cents on the dollar compared to what a white man makes in the United States of America.

In the Hobby Lobby case, the Supreme Court transformed religion from a personal choice into a corporate decision, and the corporate world—in real life—can impose its religious views on its employees. That is why I am an original cosponsor of S. 2578, the Protect Women's Health from Corporate Interference Act, or as supporters call it the Not My Boss's Business Act.

Let's be clear. Corporations are not people, period. For-profit corporations do not have religious views. For-profit corporations should not be able to deny their employees critical health care or force American taxpayers to pay for it

because of the owner's personal religious views.

The Not My Boss's Business Act will fix the Hobby Lobby decision by making it illegal for corporations to deny their employees health care benefits—including contraception—that are required to be covered by Federal law. It will protect employees from having their health care restricted by bosses who want to impose their religious belief on others.

I urge my colleagues to vote to restore true liberty by voting to pass S. 2578. I thank all of my colleagues.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, last month, as my friend from Massachusetts just mentioned, the Supreme Court ruled that the Obama administration's Health and Human Services mandate infringes on the First Amendment guarantee of religious freedom. This is a guarantee that Americans have enjoyed for the entire history of our country. It is the first freedom in the First Amendment to the Constitution. The first sentence has the words ''freedom of religion.''

In the very recent past, the Congress of the United States voted for a bill that protected freedom of religion unless there was some extraordinary reason not to have freedom of religion in our country. It is important to try to maintain some sense of good humor and be willing to work with people on other issues. As it is, people come to the floor and just say the same things over and over that are not true.

Everybody is entitled to their own opinion on religious freedom. Everybody is entitled to their own opinion on the President's health care bill. Everybody is not entitled to their own facts. If we were dealing with the facts as they truly exist right now, this would be a much different debate.

In fact, just a couple of days ago the Washington Post Fact Checker said that what the Senate Democrats are saying in their rhetoric is just wrong. He said: They are simply wrong. He said the court ruling does not outlaw contraceptives. The court ruling does not prevent women from seeking birth control. The court ruling does not take away a person's religious freedom. In fact, all the court ruling does is say that although many people are exempted from this law, we are going to find a way to have people's religious rights upheld.

In America you should not be forced to choose between giving up your business for your faith or giving up your faith for your business. Under the Constitution and under the political heritage of this country and the foundation this country was built on, the government has no right to ask people to make that choice. There are plenty of protections in the Religious Restoration Freedom Act that passed just a few years ago that don't allow this to be taken to some unacceptable extreme.

Religious freedom has historically been a bipartisan issue. In fact, the law the Court based their decision on was introduced in the House by then-Congressman CHUCK SCHUMER—now Senator SCHUMER who sits right over there—and the late Senator Ted Kennedy. They were the people who proposed this legislation. President Clinton signed the bill into law. The Vice President of the United States, JOE BIDEN, voted for the bill. The minority leader of the House of Representatives, NANCY PELOSI, was a cosponsor of the bill, and this was just considered something that was easily done.

It was unanimously passed in the House. It got three no votes—the vote was 97 to 3 in the Senate. This was in 1993, not 1893. This was a dozen years ago when the understanding was clear that there was a principle in our country that if you are going to violate that principle, you better have taken every step possible not to violate the principle of religious freedom. People on the other side would say it was only a handful of years ago when the bill passed and they didn't know that was what it meant.

Of course they knew that was what it meant. One of the reasons they know that is what it meant is because they knew at the time that this principle was a principle the government would adhere to.

In fact, the specific language in the Respect for Rights of Conscience Act that I introduced in the 112th Congress plus the specific language that Senator Kennedy put in the Health Insurance Consumer's Bill of Rights Act in 1997 exempted the protected religious faith. It says that based on the religious or moral convictions of the issuer, the issuer didn't have to do things they thought were wrong.

In the 103rd Congress Senator Moynihan introduced the Clinton health care package—sometimes called Hillary care—which said that nothing in this title should be construed to prevent any employer from contributing to the purchase of a standard benefits package which excludes coverage for abortion or other services if the employer objects to such services on the basis of a religious belief or moral conviction. It can't get much clearer than that.

According to Senator SCHUMER—when the Religious Freedom Restoration Act was introduced it said the government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability unless it demonstrates such a burden is, one, in the furtherance of a compelling governmental interest or, two, is the least restrictive means of furthering that governmental interest.

This is not a law—the Affordable Care Act—that people are not exempted from. In fact, every woman and man in America who works for an employer that has fewer than 50 people employed is exempted from this act. There are entire religious faith groups exempted from this act if they don't believe in government health care. There are waivers the President has issued over and over that exempt people from this act—many of whom were employees of fast-food restaurants and other places that had minimal packages. The President said we are going to exempt them for a while.

People who work for employers with under 50 employees are exempted forever until the law changes. There are millions more people who work for employers with under 50 employees than work for employers that will have a sincere faith-based interest in not doing the wrong thing.

The majority of people who worship in this country in a given week go to worship in a church where they say this practice is wrong. It doesn't mean it is illegal. It doesn't mean anybody who hears them or appreciates them can't do whatever they want to do. But it does mean you can easily go to church and be told this is the wrong thing to be a part of.

The companies involved in the court case have a great tradition of following their faith. When you get a full-time job at Hobby Lobby, your starting wage is $14 an hour—almost twice the minimum wage. You have to work a couple of hours to have the extra $10 a month that some of these particular medicines, procedures, and birth control pills would cost. They are closed on Sunday. They close earlier at night than their competitors so people who work there can have a family life. In fact, the government conceded these were companies that were clear in their belief.

Now, if you have millions of people who are not covered by the law, why can't you find a way to exempt people from providing a small portion of health coverage that they feel is the wrong thing to do? What did the government say? The government said: Well, you have a way out; you don't have to provide insurance at all. So if you are an employer of faith and you want to do everything you can to provide the best benefit—probably in excess of the government-required benefits in almost all areas you want to provide—your choice is to not provide insurance at all.

In fact, the suggestion was made that they would save money by not providing insurance at all because it would cost $2,000 per employee not to provide insurance at all. That was the penalty in the law, and the government suggested that was probably a lot less than these companies were paying for insurance.

They said: Why not just pay the penalty? You don't have to violate your faith. You can just violate your belief to take special responsibility for your employees. You can pay the $2,000 penalty and save money.

While I'm on the $2,000 penalty, I will say that one of the egregious overreaches of what the government was trying to do here is to say if you don't provide insurance at all, your penalty is $2,000. If you don't provide the exact insurance the government says you have to provide—whether it is based on your faith or otherwise—your penalty is $36,500 per employee.

You can provide better insurance in every other area than what the government says, you can provide insurance in areas that the government didn't even require you to provide insurance, you can do anything you want to do beyond what the government says to do, but if you don't do everything the government says, you have to pay $36,500 per employee per year. And that was in the regulation.

That is the law that Members of the House and Senate voted for. I was not one of them. I was against this law. But the law said you have to pay $2,000 if you don't do anything at all. But the Obama administration said you have to pay $36,500 if you didn't do exactly what they said you have to do. It is the wrong application of religious freedom. The idea that people could not have access to any FDA-approved product is just wrong. Somehow if your employer can keep you from having access to anything you want to have access to that has been approved by the FDA is wrong as the millions of women and men who work for companies who aren't covered under the law prove every day. They prove it every day. If we listen to our friends on the other side, one would think we would be driven backward—we are talking about on behalf of religious freedom, being driven back into the dark ages of December 2013—when everybody who could buy a product in December of 2013 can buy that same FDA-approved product today.

This is about religious freedom. It is not about money. In fact, this bill proposed in the last Congress—I had a provision in that bill that a few Democrats voted for—more Democrats voted for the bill than Republicans voted against it. There was bipartisan support for the bill. I offered an amendment that said if the Department of Health and Human Services wants to, they can promulgate a rule that requires an employer to add a benefit of equal value for any benefit the government requires that they don't want to offer. That is an easy way to say there is no economic motive at all. Maybe the government doesn't require mental health coverage, and if an employer can offer that mental health coverage of equal value to a benefit the employer's faith prohibits being a part of—the bill that most Democrats in the Senate voted against had that provision in there.

This is not about our pocketbooks. This is not about what something costs. This is about whether the government has done everything possible to accommodate people's deeply held religious beliefs. The first freedom in the first sentence in the First Amendment to the U.S. Constitution mattered when it was put in there, it mattered when 16 or so of the current Members of the Senate voted for the Religious Freedom Act, it mattered when Ted Kennedy and Senator Moynihan put this exact same ability in the health care laws they proposed less than 20 years ago, and it matters today.

I hope we move on to solving problems based on the real facts rather than continuing to talk about facts as my friends would like them to be rather than facts as they really are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise in strong support of the Protect Women's Health Care from Corporate Interference Act.

I thank my colleague Senator MURRAY from Washington and my colleague Senator UDALL from Colorado for introducing this bill and Senator MURRAY for her long championed efforts on women's health. I am very proud to support this bill.

I guess I would say to my colleague, who I know feels passionately about these issues, that the issue is really how important prescription benefits are to women's health and particularly how important contraception is to women and the fact that it is not an add-on to our health care but, rather, an essential part of our health care. So I hope it doesn't really take us getting a majority of women on the Supreme Court to convince people how central this issue is to the health care of women and why we don't want to deal with a boss who decides to say: I don't want to cover that in employee benefit packages.

I hope I and my colleagues will get a chance to vote on this legislation because I think the Supreme Court's ruling in this case 2 weeks ago really set us on a slippery slope. In a 5-to-4 decision they held that corporations can deny contraceptive coverage for women who are their employees if the owner—if the owner—professes a religious objection.

I know my colleagues think, why don't we just make this product more available so that women can pay an out-of-pocket amount for it?

It is an essential part of women's health and should be part of an employee's package and should not have to be a component she has to add on later.

This precedent by the Court is a troubling precedent. The decision threatens access to critical preventive health services for women, and it opens the door for employers to deny other health care services just because of the owner's religious beliefs.

Many of my colleagues have come to the floor and articulated how this is not about the religious exemption part of the Affordable Care Act that can be sought by churches and religious organizations; this is about employers who are corporations. So those exemptions for people who do have religious beliefs and don't want to offer these health care services are still preserved. But what is not preserved is a woman's ability to say to her employer: Why are you discriminating against me and my health care insurance that you are going to provide when you are not providing the full range of benefits for women?

So, as I said, it really is a slippery slope, and the question is, How many other things are going to be thrown into this same area?

I am getting a lot of letters. I have heard from several people from the Northwest. In fact, this one individual wrote to me saying, ''I am terrified that affordable access''—affordable access, not an add-on. Just because I am a woman and I work for an employer, now I have an add-on because you are discriminating against what my health care services are. She said, ''I am terrified that affordable access to my medically indicated preferred method of birth control may be in jeopardy due to the recent Supreme Court decision.''

So, yes, we are hearing from a lot of people that the decision imperils the ability of women to access evidence-based, clinically effective contraceptive methods in their health care plans. These are health care plans they pay for through their hard-earned wages as part of their benefit package when they sign on to work for a company.

We know this is a vital component of health care, and it helps women with everything from family planning to reducing risks of ovarian cancer and other medical conditions. So we want to make sure these recommendations, such as the recommendations of the U.S. Preventive Services Task Force, which says to include reproductive health care methods as preventive services—we want those services to be offered. As a result of those recommendations, about 675,000 women in Washington State now have robust access to a set of 20 FDA-approved contraceptive methods as part of a preventive services package. These services are covered free of coinsurance, free of copays, and free of deductibles.

Now we are basically saying that because a person is a woman and even though this is an essential part of health care, all of a sudden, because of the Supreme Court decision, a woman might work for an employer who is going to ask her to pay for that instead out of her own pocket.

I think this decision threatens real progress for our health care delivery system. We know this well because in Washington State employers denying women basic health coverage is not a new issue. In fact, women in my State have been fighting for decades.

In 1999 Jennifer Erickson was supervising as a pharmacist at Bartell Drugs in Bellevue, WA. Upon starting her job, she learned that her company didn't

cover one prescription that she needed—birth control pills—so she appealed to the company asking them to cover that benefit. She was denied. She went on to file a class action lawsuit on behalf of the company's nonunionized employees. In a landmark ruling, the Federal district court—Judge Robert Lasnik—held that Ms. Erickson had the legal right to access birth control under the Civil Rights Act of 1964. What is more, the decision was based on a Supreme Court precedent.

Unlike the district court, though, the Supreme Court has gotten this wrong, and the ruling is a dangerous precedent to allow employers to deny other health care benefits just because the owner wants to proclaim that his religious beliefs don't want him to offer those coverages.

As Justice Ginsburg said, would the exemption the Court holds that has been used on contraceptives based on religious grounds—would there be other examples, such as blood transfusions because they are a Jehovah's Witness or antidepressants because they are a Scientologist or medications derived from pigs, including anesthesia and other things, because certain other ethnic groups—Muslims, Jews, or Hindus—said they didn't want to provide those services?

Does it set us up for a lot of medical necessities not being covered by corporations simply because the CEO or many owners of that company decide it is in their religious beliefs not to offer those important services?

It is very important that we vote to make sure we speak on behalf of these women who are writing to us now, that we give them the kind of coverage for health care they deserve and that ensures every employer who sponsors a health care plan has these same benefits included in the package.

The good news is that 60 percent of working women in Washington State get their coverage through their employers. But we need to make sure the employers—just because the CEO all of a sudden has now become the judge of whether they want to cover important health care services, we have to make sure we pass this legislation to protect those employees.

I hope my colleagues will support this legislation.

I thank the Chair, and I yield the floor. I ask that the time during the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FISCHER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FISCHER. Madam President, I rise today to set the record straight. Since the Supreme Court ruled on the Hobby Lobby case, a flood of misinformation has spread, distorting the true meaning of the Court's decision. We have seen a misrepresentation of the case, I think to divide the American people, and I find these scare tactics very disappointing.

It is time to move away from the overheated rhetoric and it is time for us to discuss the facts. The Washington Post Fact Checker has systematically rebutted a series of misleading claims from my friends on the other side of the aisle. The Fact Checker concluded that, ''Simply put, the court ruling does not outlaw contraceptives, does not allow bosses to prevent women from seeking birth control and does not take away a person's religious freedom.''

In other words, under this ruling, no boss has the right to tell an employee that they cannot use birth control. Nothing in the decision, nothing takes away women's access to birth control. All women continue to hold the constitutional right that was first articulated in Griswold v. Connecticut to use contraceptives. The Court's Hobby Lobby opinion reaffirms Griswold and unequivocally states, ''under our cases, women (and men) have a constitutional right to obtain contraceptives.'' Discrimination based on gender continues to be illegal. Employers may not punish, retaliate, or discriminate against women who choose to use contraception.

Moreover, current privacy laws prevent employers from even asking if an employee uses birth control.

The Court went on to state that its decision ''provides no such shield'' against discrimination in hiring. An employer cannot prohibit a woman from purchasing any form of contraception. Moreover, women can continue to have broad access to safe, affordable birth control.

Even before the Affordable Care Act was passed, 28 States already had laws or regulations on the books to provide for contraceptive coverage. Over 85 percent of large businesses provide contraceptive coverage for their employees. For women without such coverage, the U.S. Department of Health and Human Services administers five separate programs to ensure affordable access to contraception, including Medicaid.

The bottom line: All women continue to have the ability to purchase or use a wide variety of contraceptives. It is both possible to stand tall for the principle of religious freedom and also to support safe access to birth control. The two are not mutually exclusive. The issue in Hobby Lobby is not whether women can purchase birth control, it is who pays for what. Those of us who believe that life begins at conception have moral objections to devices or procedures that destroy fertilized embryos.

The Green family, the owners of Hobby Lobby, have similar objections. They do not want to use their money to violate their religious beliefs. I think most Americans would believe that is reasonable. In fact, the Greens offered health coverage that pays for 16 out of 20 forms of contraception, including birth control pills.

The Court narrowly ruled that the Green family's decision was protected by the Religious Freedom Restoration Act, a bill led by Democrats and passed with overwhelming support by both the Senate and the House of Representatives. The bill requires the government to show a high level of proof before it can interfere with the free exercise of religion. The Court ruled that in this case the government failed to meet that burden. Accordingly, it could not abridge the Green family's legitimate religious views.

While not all Americans share these particular views, I do believe all Americans understand the importance of preserving religious liberty. Indeed, our Nation was largely founded by men and women seeking that religious freedom. The Court's decision was a narrow one, applying only to closely held, mostly family-owned companies. Some have suggested the ruling could open the door to objections over blood transfusions or vaccines. We heard similar fears when the Religious Freedom Restoration Act was passed over 20 years ago. None of those fears have been realized.

Finally, I would like to state my strong support for the legislation I introduced with Senator KELLY AYOTTE and Senator MITCH MCCONNELL that reaffirms the dual principles of religious freedom and safe access to contraception for all women.

Rather than seeking to divide Americans, our legislation brings people together around ideas that we all can support. I would especially like to commend Senator AYOTTE for her strong leadership on this issue. I have enjoyed working with her to push back against those misleading claims about the Hobby Lobby ruling and ensuring that women across America know the truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I rise today to talk about the assault on women's health that has come from a majority of our Supreme Court in recent weeks. It is unfortunate and frankly shocking that in the year 2014 we are still debating the issue of access to birth control. But here we are. Millions of Americans are looking to the Senate today and counting on us to stand for women's rights. They are counting on us to put health care back between a woman and her doctor. They are counting on us to stand for millions of Americans' access to affordable, preventive health care of every kind. They are counting on us to say that birth control is not your boss's business.

In short, they are counting on us to right this huge wrong from the Supreme Court. We have that ability to

right this wrong. We have that ability here in this room. The Court, in its decision, lays out a structure in which Congress does have the power to overturn this misguided decision. The Court based its decision on an act of Congress, the Religious Freedom Restoration Act. Now Congress can respond. Congress can pass a new law that says: That is not what the Religious Freedom Restoration Act was meant to mean. The Court got it wrong. We are going to make it right. We should all remember that the act was set up to protect the religious choices of employees. The Supreme Court has stood that on its head.

But for us to right the wrong we have to be willing to debate. We have to be willing to go to the bill. We have to be willing to consider each other's viewpoints, listen to each other. We have to be willing to vote. But we cannot get to the bill if the majority is thwarted by a minority which uses its filibuster power in a way never envisioned in the past, never utilized until recent history, which has prevented Congress from actually debating bills.

So let's all join together and say: Wherever you stand on this issue, this issue is important enough to debate. Women's health care is important enough to debate. Access to contraceptive care is important enough to have that issue before this body. So let's all say yes to debate this bill. The bill is formally titled The Protect Women's Health from Corporate Interference Act or, as it is commonly known, the Not My Boss's Business Act.

I hope we will all join collectively in saying this is an important issue, because it really is about women's access to fundamental health care. Whether contraceptives are used for family planning or for painful medical conditions such as endometriosis, birth control is essential health care for millions of Americans. While some are trying to say this case has nothing to do with access to birth control, that is simply not true. For most working families, affordability is access. Without insurance, birth control can cost tens of thousands of dollars over a lifetime. One-third of women in America say they have struggled with the cost of birth control at some point in their lives. For working families, getting by month to month, often paycheck to paycheck, these costs, though they might be dismissed by Washington pundits and even politicians here across the aisle, add up. They can put contraception out of reach.

A loss of insurance coverage can certainly make certain types of contraception totally unaffordable. As Justice Ginsburg noted in her dissent, the upfront cost of an IUD is equivalent to nearly a month's wages for a minimum wage worker. In the blue-collar community I live in, in working America, a month's wage is a very big deal.

Not having insurance coverage equals not having access. Although our Republican colleagues would have you believe otherwise, this dangerous precedent could apply to all sorts of basic, essential health care. What is to stop a boss from claiming a religious objection to vaccinations under the theory espoused in this decision or from access to a blood transfusion or to surgery or to HIV and AIDS, because all of those fit the same pattern in that various religions have a strong religious objection to those health care benefits.

I am not sure what is more troubling, the path charted by five Justices that allows a boss to trump essential personal, preventive health care choices or the Court's notion that it is okay to single out women's health care in this decision.

The bottom line is this: The bill before us that we would go to on the vote this afternoon, the Murray-Udall bill, is about putting women back in charge of their own health care. Women do not want politicians interfering in their health care. They certainly do not want their bosses and CEOs interfering in their health care. Bosses belong in the boardroom. They do not belong in employees' bedrooms or their exam rooms. Let's send a message to all Americans who are watching this body, this great deliberative body today, that the Senate is listening, that we hear the concerns of millions of women across this land and that we are ready to put women back in charge of their own health care and get the bosses out of the exam rooms.

I urge my colleagues to join in voting yes to open debate on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, whenever any Americans' religious liberty is infringed, every American should be concerned. Religious liberty is a part of the American character. Before our Constitution was adopted, religious freedom was a part of the American character. It was the reason the first Europeans settled on our shores. It was a great source of the American Revolution.

My Scotch-Irish Presbyterian ancestors came here to escape religious persecution from two churches, and when they came here they objected to paying taxes to support another church.

So our very foundation as a country has in it the guarantees of religious freedom.

That is why after the States created our Constitution, the people came back and said: Wait a minute. You forgot something. You forgot the Bill of Rights.

The Bill of Rights begins with guarantees of religious liberty. They are emblazoned on the wall at the Newseum at the corner of Pennsylvania Avenue and 6th, the guarantees of liberty. They were spoken by President Roosevelt when he talked about World War II and why we were fighting that great war.

So whenever any American's religious liberty is trampled upon, every American should be concerned.

That is why I am so disappointed that Senate Democrats are proposing to carve a giant hole out of America's religious freedom.

This is very different than what has consistently been the attitude in this body. Twenty-one years ago Congress voted to pass the Religious Freedom Restoration Act, an act which reflects the American character as well as any other act that Congress has passed. It created a very high hurdle for government to burden a person's religious beliefs.

That legislation says that if the government is going to take an action that creates a burden on a person's faith, the government must prove there is a compelling national interest and that burden must be as light as possible.

That bill passed nearly unanimously. It became law nearly unanimously, with support from many in the Senate today, many on the other side of the aisle who are supporting this carve-out for religious freedom.

When he signed the bill into law, President Bill Clinton was eloquent and said:

> We all have a shared desire here to protect perhaps the most precious of all American liberties, religious freedom.

President Clinton continues:

> Usually the signing of legislation by a President is a ministerial act, often a quiet ending to a turbulent legislative process. Today this event assumes a more majestic quality because of our ability together to affirm the historic role that people of faith have played in the history of this country and the constitutional protections those who profess and express their faith have always demanded and cherished.

But here we are debating a Democratic proposal to gut the law President Clinton was describing and require Americans who own businesses to provide insurance coverage for any health care item or service that is required by Federal law or regulation, whether or not it violates the employer's sincere religious beliefs.

So what has changed?

On June 30, the Supreme Court of the United States found that the law meant what Congress and the President said it did when it was enacted.

They held that the Federal Government could not order the owners of a closely held corporation to violate the basic tenets of their faith. The company in question in this case, Hobby Lobby—and having been a law student, I know that over time this will be known in law schools across the country as the great case of Hobby Lobby because of its importance and because of its name—is owned by the Green family, who make their faith central to their business. They close their stores

on Sunday. They refuse to engage in profitable transactions that facilitate or promote alcohol use. They contribute profits to Christian missionaries and ministries.

No one doubts those are sincerely held religious beliefs. The Green family offers health insurance which covers 16 of 20 forms of contraception. It does not cover four forms of contraception that prevent implantation of the embryo but employees are free to purchase those four forms themselves.

The company in no way interferes with its employees' lives. It does not tell them what to do with their bodies. It does not tell them how to live their lives. It simply does not offer in the company's insurance plan, coverage for the four forms of contraception that violate the faith of the owners of the business.

Obamacare regulations tried to mandate 20 forms of contraception, but recognizing this violated the beliefs of those who believe in life at conception, they created a carve-out for several organizations, Catholic hospitals for example. They could have created a similar carve-out for closely held companies, but they did not.

Instead, the Green family and others were forced to defend their freedoms in court, which fortunately ruled that the family was entitled to protection from the government's mandates under the Religious Freedom Restoration Act. This ought to have been a victory for everyone if it is true in our country that when any American's religious freedom is upheld, all of us benefit.

In 1993, the passage of the legislation was hailed as a momentous achievement of religious freedom. The New York Times editorialized in support of it. My friend Senator REID from Nevada—now the majority leader—said:

I am proud to be a cosponsor of this important legislation. I congratulate the authors and the committee for creating a fine bill.

The distinguished Senator from New York, Mr. SCHUMER—then a Member of the House and the lead Democratic sponsor—said: ''This is a good moment for those of us who believe in the flower of religious freedom that so adorns America. . . . ''

But here we are debating a bill that would fundamentally undermine that very act spoken of so eloquently by the Democratic leaders of Congress and by the Democratic President of the United States.

What has changed? If they are successful, an American who opens a business in this country will know that he or she will forfeit their right to religious freedom. That is not consistent with the American character. That is not the American way.

Why would Democrats who felt so strongly about this in 1993 feel so differently today? Why would they be willing to do such damage to the cause of religious freedom they so ardently proclaim? Because the Democrats ''believe they have a powerful campaign weapon'' in this issue, according to a report in Politico.

The Democrats charge that under the Supreme Court decision, an employer's personal views can interfere with women's access to essential health care services.

They say that under this decision corporations can limit their employees' health care options and restrict their freedoms. That is not true. It is patently false. It is absurd. It is wrong.

In the words of the Washington Post's nonpartisan Fact Checker Glenn Kessler:

Nothing in the ruling allows a company to stop a woman from getting or filling a prescription for contraceptives . . .

Second, the Fact Checker says:

Democrats need to be more careful in their language about the ruling. All too often, lawmakers leap to conclusions that are not warranted by the facts at hand. Simply put, the court ruling does not outlaw contraceptives, does not allow bosses to prevent women from seeking birth control and does not take away a person's religious freedom.

Today, women have the same rights they did before Obamacare—at least in terms of religious freedom. The Supreme Court decision did nothing to change or alter a woman's ability to access birth control or other contraceptive care.

Hobby Lobby's insurance today already covers 16 of 20 forms of contraception for the company's employees. A Hobby Lobby employee who wishes to use a drug or device not covered by the company's insurance is in no way prohibited from purchasing it. Nothing in the Hobby Lobby decision prevents a woman from making her own decisions about contraception. The only effect of the decision is that certain employers cannot be forced to include it in their insurance coverage against their religious objections.

The Supreme Court decision covered certain closely held, for-profit companies—meaning they are controlled by five or fewer individuals—where the owners have sincere religious beliefs. The Court's decision does not mean all Americans of faith who own businesses and ask for religious exemption from a general law will receive that exemption.

The Court's decision does not mean employers will be able to use the Religious Freedom Restoration Act as a reason to refuse to cover critical health services, such as vaccines, blood transfusions, and HIV treatment. In fact, such fears were raised by opponents of the Religious Freedom Restoration Act before it became law in 1993. The Democrats didn't believe those objections then, and they shouldn't believe them now because 21 years later these doomsday predictions have not come true. Courts are well-equipped to dispel spurious or frivolous claims.

I think the Democrats know all of this. I think they are just trying to win an election.

This Supreme Court decision was about individual freedoms that do not disappear if you decide to open a business. It was not about contraceptive rights.

What is really happening is my friends on the other side of the aisle are trying to change the subject. They want to talk about health care, but they don't want to talk about Obamacare and what it is doing to the women of this country. Let me tell a story that gives an example of what it is that really concerns me.

First, what concerns me is the destruction of anyone's religious freedom.

While we are talking about women and health care, let me talk about Emilie of Lawrenceburg, TN. She is 39 years old. She came to see me. She has lupus. Under Tennessee's laws, she had an insurance policy granted by something called CoverTN. It was created by our then-Democratic Governor and Blue Cross. It gave her the policy she needed at a cost of about $50 a month. When Obamacare arrived, it canceled Emilie's policy. She went on the exchange to try to replace it, according to Washington's wisdom.

This is Emilie. This is a real woman in Tennessee who is really hurt by the Obamacare law. We should be talking about her. This is what she wrote to me:

I cannot keep my current plan because it doesn't meet the standards of coverage. This alone is a travesty. CoverTN has been a lifeline [for me]. . . . With the discontinuation of CoverTN, I am being forced to purchase a plan through the Exchange. . . . My insurance premiums alone will increase a staggering 410 percent. My out-of-pocket expenses will increase by more than $6,000 a year—that includes subsidies. Please help me understand how this is ''affordable.''

Here is an American woman who has been hurt by ObamaCare. She lost her policy—a policy that she could afford, that fit her health care needs and her budget—but all of the wise people in Washington said: This is the policy you need. So she got the policy Obamacare says she should have, and her insurance premiums went up to approximately $400 a month, and she got an insurance policy that does not fit her budget and does not fit her health care needs. She is the one who has been hurt.

Unfortunately, Emilie is not the only one experiencing rate shock. Millions of Americans are losing their insurance plans. They are being forced to buy new plans, many of them with higher premiums, many with higher deductibles, many of them with coinsurance.

Let me talk about a Tennessee woman whose name is Carol, a single mom with a son starting at Austin Peay University in the fall. She is an office administrator in an office that used to have CoverTN insurance that cost less than $100 a month in premiums and covered all of her health care needs. Carol said:

Now, thanks to Obamacare, I must pay over $300 per month [compared to $100 a month] in insurance premiums for a policy that has a $2,500 deductible and a $4,000 out of pocket limit.

If we want to talk about a war on women, let's talk about the war on Emilie and Carol in Tennessee and millions of other women who are hurt by ObamaCare. Carol earns too much to qualify for a subsidy, so now she puts a big chunk of her income toward her premiums—such a big chunk that now she can't afford to help pay for her son's education.

These are the kinds of stories all of us hear from people who are being harmed by Obamacare. These are the kinds of stories our friends on the other side don't want repeated, so they even go so far as to bring up carving big chunks out of America's character by trampling on religious freedom—the freedom that is talked about in the First Amendment.

We have proposals to help Americans like Carol and Americans like Emilie. We have offered them on the Senate floor repeatedly since 2010 when the ObamaCare law was passed. They would move our country in a different direction toward health care as rapidly and as responsibly as we could go—a direction toward more freedom, more choices, and lower costs for Emilie and Carol and for millions of women and millions of men and millions of younger people across this country.

Our bills would allow Americans to keep more of their insurance plans, as the President promised.

Our bills would allow people to buy insurance in another State if it fits their budget and fits their needs. Let's say Emilie, who has lupus, finds a policy regulated in Kentucky that fits her budget and fits her needs. We would allow Emilie to buy that.

We would allow small business employers to combine purchasing power with other employers and offer their employees lower cost insurance. More freedom, more choices, lower costs.

We would allow Americans to buy a major medical plan to insure themselves against a catastrophe—today, some Americans can, but under Obamacare all Americans cannot—buy a major medical plan to insure against catastrophe—that is what a lot Americans would like to do—and then open a health savings account that is expanded to pay for everyday health expenses. More freedom, more choices, lower costs.

We would like to repair the damage Obamacare has done. We would like to prevent future damage. Republicans want to move in a different direction that provides more freedom, more choices, lower costs. We trust Americans to make decisions for themselves. That is the American way. That is what we believe in. Religious freedom and health care freedom—that is the American way.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD the article from the Washington Post by the Fact Checker.

In addition, I ask unanimous consent to have printed in the RECORD an excellent editorial today in the Wall Street Journal, an op-ed by two of my colleagues, the Senator from New Hampshire and the Senator from Nebraska, Senators AYOTTE and FISCHER.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post—Fact Checker, July 14, 2014]

DEMOCRATS ON HOBBY LOBBY: ''MISSPEAKS'' ''OPINION'' AND OVERHEATED RHETORIC

(By Glenn Kessler)

''Really, we should be afraid of this court. The five guys who start determining what contraceptions are legal. Let's not even go there.''—Houe Minority Leader Nancy Pelosi (D–Calif.), at her weekly news conference, on July 10

In the wake of the Supreme Court's 5-to-4 ruling that, as a closely held company, Hobby Lobby was not required to pay for all of the birth-control procedures mandated by the Affordable Care Act, Democrats have rushed to condemn the court. But in some cases the rhetoric has gotten way ahead of the facts.

Here's a round-up of some of the more noteworthy claims. In some cases, lawmakers concede that they make a mistake; in others, they are argue that they are offering what amounts to opinion, even though the assertion was stated as fact.

Statements on Supreme Court cases are notoriously difficult to fact check because rulings are open to interpretation—and the full impact is often difficult to judge until lower courts begin to react to the ruling. Both Democrats and Republicans use adverse Supreme Court rulings to rally their respective bases, but lawmakers have a responsibility not to succumb to overheated and inaccurate rhetoric.

Nothing in the ruling allows a company to stop a woman from getting or filling a prescription for contraceptives, but that salient fact is often lost as lawmakers jump to conclusions that the cost will be prohibitive. That may or may not be the case depending on circumstances. Moreover, it is worth remembering that when the Affordable Care Act was passed, 28 states already had laws or regulations that promote insurance coverage for contraception. The law sought to extend that across the country—and even with this ruling, that will remain the case for the vast majority of workers.

''Really, we should be afraid of this court. The five guys who start determining what contraceptions are legal. Let's not even go there.''—Pelosi

This is a very odd statement from the House Democratic leader, given that the majority opinion flatly states that ''under our cases, women (and men) have a constitutional right to obtain contraceptives,'' citing the 1965 ruling in Griswold v. Connecticut, which under the right to privacy nullified a law prohibiting the use of contraceptives.

Drew Hammill, Pelosi's spokesman, acknowledged that she ''misspoke.'' ''Obviously the impact of the court's decision is not to make these four contraceptive methods illegal—i.e. no longer allowed to be sold'', he said. ''But the overriding point here is that the decision does in fact limit access, which is the key point Pelosi made.''

Hammill cited Justice Ruth Ginsburg's dissent that women have a compelling interest in being able to plan their pregnancies and that they need reliable birth control.

Later, in the same news conference, Pelosi decried that ''five men could get down to specifics of whether a woman should use a diaphragm and she should pay for it herself or her boss.''

Hobby Lobby involved the owners' objection to four types of birth control but not diaphragms, but here Pelosi adhered closer to the essence of the case (and a related temporary injunction the court awarded to Wheaton College): the question of who should pay for contraceptives. (The court also vacated a decision by an appeals court that had ruled against a Michigan company that objected to providing any contraceptives under its employee health plan, so that would include diaphragms.)

Ginsburg's dissent pointed out that it costs $1,000 for the office visit and insertion procedure for intrauterine devices (IUDs)—''nearly the equivalent to a month's full-time pay for workers earning the minimum wage.''

Our colleagues at PolitiFact gave Pelosi a rating of ''false'' for her comments, and we certainly agree, though we generally do not award Pinocchios when politicians fess up to a mistake.

Still, we note that despite her office's admission of a mistake, the transcript of the news conference had not yet been corrected three days later. ''It will be,'' Hammill said. ''We're migrating to a new site in the next two weeks, so everything is a little slow.''

''The one thing we are going to do during this work period, sooner rather than later, is to ensure that women's lives are not determined by virtue of five white men. This Hobby Lobby decision is outrageous, and we are going to do something about it.''—Senate Majority Leader Harry Reid (D–Nev.), remarks to reporters, on July 8

The Hobby Lobby decision was written by Justice Samuel Alito, joined by Chief Justice John Roberts and Justices Antonin Scalia, Anthony Kennedy and Clarence Thomas. That's certainly five men, but Thomas is African American.

''That was a mistake, and he knew it right away,'' spokesman Adam Jentleson said. He noted that on other occasions Reid has simply said ''five men.'' (The four dissenters included three women.)

''This is deeply troubling because you have organized religions that oppose health care, period. So if you have an employer who is a member of an organized religion and they decide, you know, I wouldn't provide health care to my own family because I object religiously, I'm not going to allow any kind of health-care treatment.''—Rep. Debbie Wasserman Schultz (Fla.), Democratic National Committee chair, appearing on MSNBC, June 30

While there are some religions that object to certain medical procedures, Wasserman Schultz goes to quite an extreme to suggest that employers could block an employee from seeking any kind of health-care treatment. (Again, the issue was who would pay for contraceptives, not whether someone was barred from getting contraceptives.)

''The Chair was referring to the Justice's ruling which puts employers' religious beliefs ahead of the medical needs of employees,'' spokesman Michael Czin said. ''We fundamentally disagree with the logic behind that ruling.''

''[In Griswold v. Connecticut,] the Supreme Court said that the right of privacy of individuals and families trumped any state right to ban contraceptives. It was a breakthrough. They found privacy, at least the inference of privacy, in the Constitution. I

asked that question repeatedly of Justice Roberts and Justice Alito to make sure that they would honor that same tradition of privacy. The Hobby Lobby decision violates that fundamental premise. [While both justices were careful in their answers before confirmation,] they both said they stood by the Griswold decision.''—Sen. Dick Durbin (D–Ill.), quoted in ABC's ''The Note,'' July 10

Durbin serves on the Judiciary Committee and is the second-ranking Democrat on the Senate. Here, he appears to come close to saying what Pelosi asserted—that the ruling signaled a possible ban on contraceptives. He specifically mentions the Griswold decision, which as we noted was cited by Alito in the majority opinion as settled law.

But a Durbin spokeswoman said he was not trying to say the court was on a path to overturn Griswold. ''He was saying Hobby Lobby was out of line with the general 'tradition of privacy' that permitted women to make their own choices about birth control,'' she said, asking not to be identified. ''He was critiquing this ruling and its impact on women's access to contraceptive coverage, not making a prediction about future cases.''

''The U.S. Supreme Court's Hobby Lobby decision opened the door to unprecedented corporate intrusion into our private lives. Coloradans understand that women should never have to ask their bosses for a permission slip to access common forms of birth control.''—Sen. Mark Udall (D–Colo.), in a news release, July 9

Udall's remarks were contained in a news release he issued with Sen. Patty Murray (D–Wash.) about a bill that seeks to overturn the Hobby Lobby decision. There is a bit of an irony here: Udall voted for the Affordable Care Act, which built upon the employer-based health-care system in the United States and thus led to a ruling by the Supreme Court in the first place. So it's a chicken-or-egg question about how the door was opened in the first place.

Again, the issue is not whether women will have access to birth control, but whether the health plan will cover the cost. Spokesman Mike Saccone argues that this is, in effect, ''a permission slip.''

''Following the court's decision, women will need to effectively ask their employers if they will continue to cover contraception,'' Saccone said. ''They will need to determine if their boss will give permission for their insurance plans to cover birth control.''

He added: ''Without insurance coverage, IUDs (what Hobby Lobby objects to covering) cost up to $1,000, which poses a huge barrier for women, especially if she is making the minimum wage. Without her boss's permission to get coverage for that service in her health plan, it becomes much more—potentially prohibitively—expensive for that woman.''

''Before the Hobby Lobby decision, the fight against corporate influence was mainly about making sure real people and their ideas were in charge of elections. But now it is no longer just about a democracy; it is about keeping corporations out of our private lives, out of our bedrooms, and out of our religious decisions.''—Sen. Jon Tester (D–Mont.), statement in the Congressional Record, July 10

Here again, a lawmaker mixes up the question of paying for contraceptives with a broader prohibition against all contraceptives.

''If an employer doesn't cover contraceptive care, for many women access to birth control is effectively blocked because it becomes cost-prohibitive,'' argued spokesman Dan Malessa. ''If an employer refuses to cover contraceptives based on its religious views, then its religious views trump the religious views of its employees.''

''You know, what I am objecting to is that these bosses should not be able to tell their employees that they cannot use birth control. Motherhood is not a hobby. That is what I am objecting to.''—Rep. Gwen Moore (D–Wisc.), speaking on MSNBC, July 1

Moore also falls into the trap of claiming that corporate bosses can now dictate whether women can have access to birth control. No boss under this ruling has the right to tell an employee that they cannot use birth control. That's simply wrong, but Moore's spokeswoman argued this is open to interpretation.

''Congresswoman Moore was referring to the Supreme Court decision that now allows certain employers to deny contraceptive coverage to their employees through employer-sponsored health care plans. By denying this coverage to their employees, many workers may not have the financial means to access this health care necessity,'' spokeswoman Staci Moore said. ''To your point on the Hobby Lobby decision concerning only certain forms of contraceptive coverage, the congresswoman would argue that the ruling opens the door for employers to challenge other vital health-care coverage, not limited to the four contraceptives you mentioned.''

''What they've done, Chris, is taken away the religious freedom of their employees. They have to comply with the religious freedom of their employers.''—Rep. Louise Slaughter (D–N.Y.), interview on MSNBC, June 30

Is Slaughter really saying that the court has taken away an employee's religious freedom because some contraceptives may not be covered by insurance? Eric Walker, her spokesman, says this is a matter of opinion.

''By forcing an employee to live with the religious choices imposed on them by their employer, the employee's own religious freedom is infringed upon,'' Walker said. ''I think it's fair to say that 'freedom from religion' goes hand in hand with 'religious freedom.' The first amendment protects Americans from having religion thrust upon them by others—a standard the court failed to uphold, in the congresswoman's opinion.''

THE PINOCCHIO TEST

The Fact Checker generally does not award Pinocchios for ''misspeaking'' or for statements of opinion. And we obviously take no position on the Supreme Court opinion. But this collection of rhetoric suggests that Democrats need to be more careful in their language about the ruling. All too often, lawmakers leap to conclusions that are not warranted by the facts at hand. Simply put, the court ruling does not outlaw contraceptives, does not allow bosses to prevent women from seeking birth control and does not take away a person's religious freedom.

Certainly, a case can be made that perhaps this is a slippery slope (as Ginsburg argues in dissent) or that the cost of some contraceptives may be prohibitively high for some women who need them. But the rhetoric needs to be firmly rooted in these objections—and in many cases the Democratic response has been untethered from those basis facts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, July 16, 2014]

THE HOBBY LOBBY DECISION AND ITS DISTORTIONS

NOTHING IN THE SUPREME COURT'S RECENT RULING DENIES WOMEN ACCESS TO BIRTH CONTROL.

(By Kelly Ayotte and Deb Fischer)

In the days since the Supreme Court's June 30 Burwell v. Hobby Lobby decision, we have been troubled by those who seem eager to misrepresent both the facts of the case and the impact of its ruling on women—all to divide Americans and score political points in a tough election year.

The biggest distortion: the #NotMyBossBusiness campaign on which falsely suggests that under the ruling employers can deny their employees access to birth control.

That's flat-out false. Nothing in the Hobby Lobby ruling stops a woman from getting or filling a prescription for any form of contraception. Those who distort the court's decision insist that one cannot support religious liberty and also support access to safe, affordable birth control. But these are principles that we, and millions of others, support. Americans believe strongly that we should be able to practice our religion without undue interference from the government. It's a fundamental conviction that goes to the very core of our character—and dates back to the founding of our nation. The Supreme Court's decision in the Hobby Lobby case, which protects rights of conscience, reaffirmed our centuries-old tradition of religious liberty.

Contrary to the misleading rhetoric, the Hobby Lobby ruling does not take away women's access to birth control. No employee is prohibited from purchasing any Food and Drug Administration approved drug or device, and contraception remains readily available and accessible for all women nationwide. According to a Kaiser Family Foundation poll, prior to ObamaCare over 85% of large businesses already offered contraceptive coverage to their employees. And the ObamaCare mandate under review in the case doesn't even apply to businesses with fewer than 50 employees. For lower-income women, there are five programs at the U.S. Department of Health and Human Services that help ensure access to contraception for women, including Medicaid.

The court's decision applies to businesses whose owners have genuine religious convictions. In the Hobby Lobby case, the company's owners—the Green family—offered health-care plans that provide coverage for 16 of the 20 FDA-approved contraceptive drugs and devices, including birth-control pills, required under the Affordable Care Act.

The Greens only had moral objections to the remaining four methods, which they consider to be abortifacients. The family felt strongly that paying for insurance that includes these methods would compromise their deeply held religious belief that life begins at conception.

In its narrow ruling, the court agreed, basing its decision on the Religious Freedom Restoration Act of 1993, which was introduced in the Senate by the late Sen. Edward Kennedy (D., Mass.) and in the House by then-Congressman Charles Schumer (D., N.Y.), and supported by over a dozen current Democratic senators, Vice President Joe Biden, and Secretary of State John Kerry.

Kennedy and Mr. Schumer sponsored this bipartisan law in the aftermath of the Supreme Court's 1990 decision in Employment Division v. Smith, which held that ''generally applicable laws'' that have nothing to do with religion could effectively prevent Americans from fully exercising their religious rights.

The Religious Freedom Restoration Act passed the Democratic-controlled House by voice vote and was approved by the Democratic-controlled Senate in an overwhelming vote of 97 to 3.

When President Clinton signed the bill, he said: ''What this law basically says is that the government should be held to a very high level of proof before it interferes with someone's free exercise of religion.''

In the Hobby Lobby decision, the Supreme Court ruled that the government failed to make that case.

With misinformation now swirling, it's important to understand what the court's decision doesn't mean.

The court's majority opinion explicitly states that the ruling does not ''provide a shield for employers who might cloak illegal discrimination as a religious practice.'' Additionally, the court said that ''our decision should not be understood to hold that an insurance-coverage mandate must necessarily fall if it conflicts with an employer's religious beliefs''—meaning, you must show a legitimate religious objection.

While some Americans may disagree with the Green family's views, nearly all Americans believe that religious freedom is a fundamental right that must not be abridged. When President Clinton signed the Religious Freedom Restoration Act, he said: ''Our laws and institutions should not impede or hinder, but rather should protect and preserve fundamental religious liberties.''

Congressional Democrats used to share that view. What's changed? We can preserve access to contraceptives without trampling on Americans' religious freedom.

Mr. ALEXANDER. Mr. President, I yield the floor.

Mr. DURBIN. Madam President, I rise to speak in support of the nomination of Ronnie White to serve on the U.S. District Court for the Eastern District of Missouri. I was proud to chair Justice White's nomination hearing before the Judiciary Committee in May.

Justice White has the experience, the integrity, and the qualifications to be an outstanding district court judge.

He came from humble beginnings. He was born in St. Louis to teenage parents and grew up poor in a segregated neighborhood. He has worked since age 11 to help make ends meet and to put himself through college at St. Louis University and law school at the University of Missouri-Kansas City.

Justice White went on to accomplish great things in his legal career—most notably, becoming the first African-American Supreme Court Justice and Chief Justice in Missouri's history. It was a powerful moment when Justice White was sworn in to the Missouri Supreme Court. The ceremony took place at a courthouse where slaves were once sold on the steps.

I am pleased that the Senate is voting today on Justice White's nomination to the Federal bench.

It is not often that the Senate gets the chance to correct a historic mistake, But by confirming Ronnie White to the Federal bench, we will be able to do so.

Justice White's previous nomination to the district court was defeated on the Senate floor in 1999 on a partyline vote. At the time, the claim was made that Justice White was ''pro-criminal.'' This was a grossly inaccurate claim, both then and now.

Over his long career as an attorney and a judge, Justice White has been widely recognized as fair, unbiased, and committed to the rule of law. Just read the letter from the Missouri State Lodge of the Fraternal Order of Police in support of Justice White's nomination. The Missouri FOP said:

> As front line law enforcement officers, we recognize the important need to have jurists such as Ronnie White, who have shown themselves to be tough on crime, yet fair and impartial. As a former justice on the Missouri Court of Appeals and as the Chief Justice of the Missouri Supreme Court, Ronnie White has proven that he has the experience and requisite attributes to be a quality addition to the U.S. District Court. We can think of no finer or more worthy nominee.

This is a compelling endorsement from the Missouri FOP.

In 2001 I had the opportunity to ask Justice White in a hearing before the Judiciary Committee about the allegation that he was somehow hostile to law enforcement. Here was his response. He said:

> That is not true that I was opposed to law enforcement. Senator Durbin, I have a brother-in-law who is a police officer in St. Louis. I have a cousin who is a police officer in St. Louis. I have served on boards and commissions with police officers in the St. Louis community, and I also, when I was city counselor for the city of St. Louis, was the lawyer for the St. Louis City Police Department and we defended police officers. As a judge, all I have tried to do is to apply the law as best I could and the way I saw it.

Overall, Justice White's track record shows that his judicial decisions were well within the legal mainstream and were supported by precedent and legal authority. His decisions showed respect for the rule of law, even in hard cases that involved difficult or emotional facts.

The bottom line is that Justice White is a man with integrity, a wealth of judicial experience, and a real respect for the law. He is going to be an outstanding Federal judge.

I urge my colleagues to support this nomination and to put this good man on the Federal bench.

Mrs. FEINSTEIN. Mr. President, I rise in support of the nomination of Ronnie White to serve as a United States District Judge for the Eastern District of Missouri.

In the Senate, as in life, there rarely is a chance for a do-over—to get something right that went wrong a long time ago.

For me, Ronnie White's nomination is a chance to do that. This year should have been his fifteenth as a district court judge—he would be close to senior status today had his nomination by President Clinton been confirmed in 1999.

I was very pleased this year to see him appear once again before the Judiciary Committee, and I believe he will distinguish himself as a Federal district judge.

Let me simply quote from a letter from the Missouri State Lodge of the Fraternal Order of Police, which wrote a letter on May 13, 2014 in support of Judge White's nomination:

> As a former justice on the Missouri Court of Appeals and as the Chief Justice of the Missouri Supreme Court, Ronnie White has proven that he has the experience and requisite attributes to be a quality addition to the U.S. District Court. We can think of no finer or more worthy nominee.

Ronnie White's confirmation is long past due, and I really am pleased it is likely to come to pass. I just wanted to say that, and to urge my colleagues to support him.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of Ronnie L. White, of Missouri, to be United States District Court Judge for the Eastern District of Missouri?

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 227 Ex.]

YEAS—53

Baldwin	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Murphy	Wyden
Hagan	Murray	

NAYS—44

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	

NOT VOTING—3

Cardin	Mikulski	Schatz

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.